Special Issue on Our Thought Police

How FBI Operations Have Cast A Pall on Free Opinion and Free Association, Pages 1-4

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The *New York Post*, and J. Edgar Hoover

"The FBI cannot become a repressive arm of government," Don Whitehead wrote at the conclusion of his glamorized official portrait, *The FBI Story*, "or of a clique as long as . . . Congress watches the FBI's spending and operating policies with a critical eye . . . [and] the nation's press has the freedom and courage to expose wrongdoing." By these standards, the danger point is already here. The most striking aspect of the 12-installment series on J. Edgar Hoover and the FBI published by the *New York Post* (Oct. 7-20 inclusive) was not so much what it disclosed but what it demonstrated. Members of Congress and other newspapermen are by now so afraid of Mr. Hoover and the G-men that the six reporters the *Post* assigned to the job could not find a single public figure willing on the record to say anything critical of him. "An important member of Congress who has intimate dealings with the FBI in the course of his official duties" told them, "the FBI has detailed dossiers on every one in Washington." But he would not let his name be used. "A liberal Senator from the Midwest" told them, "Those who were concerned with the growth of the Federal police—men like Senator Norris and others—are dead now, or back home. Those that are here cannot afford to speak up." Even so vigorous a public servant as Chairman Emanuel Celler of House Judiciary, after giving the *Post* interviewers "a frank, balanced appraisal of Hoover," called the editor "and asked that his remarks be withdrawn entirely." Harry Truman himself, no mean fighter and the main living target of the "twenty years of treason" cry Hoover helped the Republicans drum up with the Harry White story, evaded the interviewers and praised the G-man.

Only Official Who Can't Be Questioned

Every other public official in Washington from the President and the Secretary of State down is accessible to the press, and often subject to embarrassing questions in public. But J. Edgar Hoover never holds a press conference, though no one in the capital is more publicity conscious. The *Post* writers were not only unable to interview the top G-man, they couldn't even get to see his public relations man. Yet the American Legion and the National Association of Manufacturers were prevailed upon to attack the *Post* series even before it was written. According to Dorothy Schiff, the *Post's* publisher, efforts were made through an advertiser to put pressure on the paper against publishing its series, and hints were dropped that the editor's wife might be exposed as an ex-Communist if it did so. Mrs. Schiff has been justly criticized for overwriting this part of the story in her preliminary two-part, "My Secret Life With J. Edgar Hoover," just before the series started. But few if any of the newspapermen I have heard on this subject have the nerve to take on the FBI themselves. *The Nation* courageously published a special supplement, The FBI Story, October 18, 1958, but it has been years since any daily paper dared touch this subject and my guess is it will be many years before it happens again. The FBI has become one of those evils many recognize but few talk about; it is too dangerous to fight, but it grows like a cancer within our free society.

Justice Jackson's Posthumous Warning

"All that is necessary is to have a national police competent to investigate all manner of offenses, and then, in the parlance of the street, it will have enough on enough people, even if it does not have enough to prosecute them, so that it will find no opposition to its policies. Even those who are supposed to supervise it are likely to fear it.

"I believe that the safeguard of our liberty lies in limiting any national policing or investigative organization, first of all to a small number of strictly federal offenses, and secondly to non-political ones."

—The late Justice Robert H. Jackson in his posthumous, The Supreme Court in the American System.

No Enthusiasm for Nazi Hunting

The real criticism of the *Post* 12-point series is that it was so diffuse and tenuous the average reader may find it difficult to understand just what all the excitement's about. Sometimes six reporters, like six cooks, are worse than one. The series sprawled all over the map, missing as much as it covered in the voluminous record. I don't understand why they did not touch on the contrast between Mr. Hoover's boundless enthusiasm as a hunter of assorted Leftists and his reluctance before the war to take on Nazis and Bundists. Don Whitehead, for example, discloses that when Heywood Broun in March 1937 exposed the fact that "Actual recruiting is going on, and there is already a considerable body of storm troops here in America," President Roosevelt passed it on to the Army's G-2 with a recommendation that it check. Army intelligence passed the buck to Justice and Justice, according to Whitehead, "approached the problem gingerly, asking the FBI whether an investigation could be made quietly and without any publicity, although the Bund's activities by this time were becoming an open scandal if not a violation of the law." Whitehead reveals that the FBI was against an investigation. "The FBI told Justice officials," he reports cryptically, "it was doubtful that an investigation could be made without a challenge from some pro-Nazi organization.*

*** Did Mr. Hoover know of pro-Nazi organizations powerful enough to challenge such an investigation? There may be some interesting history hidden here.**

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But the Department finally did make the decision to go ahead with the inquiry." Training storm troopers is not a matter of discussing abstract ideas, and would seem to constitute conspiracy to prepare for an insurrection. But the upshot of the inquiry was the remarkably restrained verdict, according to Whitehead, that "while the Bund's general teachings had a tendency to be subversive, they did not violate any law of the United States." This evaded the real point which was not the Bund's teachings but its para-military training.

When Opinion Becomes A Test of Loyalty

The case against the FBI is that it has used the counter-espionage powers given it in 1939 to make opinion the test of loyalty, to spread a network of snoopers through all kinds of liberal and radical organizations, and to establish the custom of permitting faceless informer testimony to be used in a growing variety of administrative procedures which affect people's right to work and travel, and damage reputations without fair trial. This is slowly establishing the principle that the convenience of the police in using secret informers is more important than the citizen's right to confront any accuser. Some day, if the power of the FBI grows, this may spill over from administrative proceedings into criminal trial. Of the habit of making opinion the test of loyalty, Prof. Walter Gellhorn of Columbia concluded (p. 232) in his *Security, Loyalty and Science,* one of the Cornell Studies in Civil Liberties, "Effectively, if unintentionally, the focus upon opinion as a measure of loyalty tends to discourage the holding of any opinion at all. No scientist who has confined his interests to his laboratory, his flower garden and his golf game has been touched by scandal. In the main, those to whom the Government has brought distressing embarrassment were ones who became concerned in a perfectly legal way about racial discrimination or the Franco government or the importance of peaceful relations with the Soviet Union." On the other hand, as the *Post* pointed out, Judith Coplon, employed under the FBI's nose in the sensitive Internal Security division of Justice, had survived at least three security-loyalty checks. The loyalty-security apparatus after years of ruining many innocent men, has yet to turn up a spy or saboteur, but it has certainly inhibited opinion. I am not sure that this was altogether unintentional; the effect was to purge the government of most liberals as well its few radicals.

Greater Faith Hath No Marxist-Leninist

"The Communist Party in this country is at a low point both in numbers and from the standpoint of organization but . . . I cannot emphasize too strongly that the numerical strength of the Communist Party means nothing."

—J. Edgar Hoover, testifying on the 1959 FBI budget, House Appropriations Committee, pages 104 and 173.

Even The Respectable Must Be Watched

The reader of the *Post* series will get little conception of just how extensive the FBI's political spy apparatus is. The figures given by Mr. Hoover on two recent occasions indicate its wide orbit. At the 1958 budget hearings before House Appropriations, in discussing front groups which "provide a very fertile auxiliary corps of dupes, misguided pseudo-liberals and do-gooders," Mr. Hoover approvingly cited a House Un-American Activities Committee report listing 628 "such Communist front organizations." At the 1960 budget hearings, Mr. Hoover said "We now have 155 known, or suspected, Communist front and Communist-infiltrated organizations under investigation. . . . Supplementing this group are some men and women who pretend to be interested in supporting measures to solve racial, labor and general welfare problems. Actually, they have no sincere or honest interest at all in these problems. The truth is that such people are closely allied to subversive forces in this nation and are exploiting shamelessly racial, labor, and welfare issues in carrying out the Communist party line." This description of unnamed social welfare organizations which "supplement" the activities of the 155 "known or suspected" Communist fronts is venomous. The point, for anyone at all familiar with realities on the shrunken left, is that to reach such large figures Mr. Hoover must regard with suspicion practically every group to the left of the NAM and the DAR. Indeed the *Newark Star-Ledger* series which embodied "the rebuttal from spokesmen of the FBI" to the *Nation* supplement (reprinted as Senate Document, No. 10 last session), hints that the FBI must stand secret watch to protect even the most

How the Working Press Is Allowed to "Interview" J. Edgar Hoover

"For the ultimate picture of Hoover's status in American political life we are indebted to an habitue of the Justice Dept. press room, a member of the group of reporters who are physically, at least, closest to the Director. On routine stories, these are the men, rather than the main office heavies, assigned to talk to Hoover. It's the press room that's responsible for the day-by-day news of the FBI.

" 'The procedure on getting an interview with Hoover is one that I have never seen before for any other public figure,' our correspondent—who similarly has asked us for anonymity—told us. 'If you wanted an interview you would approach the communications head—that is, Lou Nichols, when he was here, or John McGuire, or whoever is in charge today—and tell him you would like Hoover's comments on such-and-such. You would tell him what the gist of the interview would be, and its chief angle.

" 'Within a couple of weeks, whoever it was would notify you whether Hoover chose to talk about that subject. If he didn't, that ended it. If he did, the publicity man would draw up a list of questions—NOT THE REPORTER [emphasis in original]. The questions were in turn examined by the reporter to see if they fitted in with the intended angle of the story. Whatever the reporter wanted changed or added, the publicity man would be the final editing voice on it.

" 'The questions which resulted then were answered in writing by Hoover, presumably after some discussion with his aides, though the writing was done by the publicity man or whoever was chosen to put Hoover into words. Presumably, too, Hoover would look at the answers written in his behalf and have the final say.

" 'The answers would then be returned to the reporter, along with the questions. The reporter would be shuffled into Hoover's inner sanctum to shake hands with the man. He would chat about the weather for a few minutes and then be shuffled back out. That way he could at least say he talked to Hoover and here are the answers. Technically, he would not be lying.' "

—New York Post: Hoover and the FBI, Oct. 20.

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respectable organizations. "Unceasing efforts," it says, "are also being made to infiltrate and ultimately control lethargic, legitimate groups."

Beware Those Young Married Couples

The infection has its roots in the outlawry of the Communists, theoretically a legal party, actually a faction against which all kinds of legal and extra-legal sanctions are permitted. The Communists being outlawed, it is assumed that Communists will prefer the pretense of conformity to the risk of martyrdom. This then provides an excuse for the surveillance not only of people who are not Communists but who are even anti-Communist. In the hearings on the 1956 budget before House Appropriations Committee, Mr. Hoover (p. 168) painted a new nightmare. "Young married couples" were being sent by the Communists "into different areas to enter industry and assume the role of mild liberals." It is therefore necessary to watch all young married couples who seem to be mildly liberal. Usually liberals are referred to by Mr. Hoover as "pseudo-liberals" and coupled with "do-gooders," the latter a favorite term of contempt with the G-man, reflecting a basic dislike for anyone concerned with humanitarianism and social reform. Anyone opposed to the use of faceless informers or to abridgment of fundamental rights is a "pseudo-liberal" in Mr. Hoover's lexicon even though anti-Communist. Indeed he seems to have a special hatred for liberal organizations (like the ADA?) which bar Communists. "They hypocritically bar Communists from their membership," Mr. Hoover told the same committee during the hearings on the 1959 budget (p. 172), "but they seek to discredit all persons who abhor Communists and communism. They claim to be anti-Communist but they launch attacks against congressional legislation designed to curb communism. They distort and misrepresent and ridicule the Government's security efforts." Obviously anybody who disagrees with the FBI is suspect. This attitude hardly encourages lively debate on constitutional issues.

The Faces Behind The Faceless Informer

Perhaps the most damaging aspect of J. Edgar Hoover's career was virtually untouched in the *Post* series. This relates to the kind of people on whom the FBI has relied as confidential informants. Little by little, in various court proceedings around the country, the truth has begun to come out about the informants who have ruined so many people's lives and reputations because the FBI shielded them from cross-examination. An amazing collection of poor tortured alcoholics and psychotics, persons of irregular sex habits, psychopathic liars and plain cheap moochers have been disclosed. It is a pity the *Post* did not spend less time on gangster stories of the prohibition period and more time exposing the faces behind the faceless informer.

A Quote the New York Post Missed

Like Benedict Arnold and Judas Iscariot?

"The confidential informant is more than a valued ally of the modern day law enforcement agency. He is an institution, and indispensable part of all walks of life. While it is a simple matter to trace the use of informants back through the American Revolution and into biblical times. . . ."

—J. Edgar Hoover, Syracuse Law Review, Fall 1956.

Our Hero Was Also an Alcoholic for the FBI

I have space here only to touch on a few of them. There was Matthew Cvetic, hero of the movie, "I Was A Communist for the FBI"; his hospital record when made public in Pittsburgh by the Steve Nelson defense in 1955 showed repeated hospitalization for alcoholism and attendant psychic disorders. There was Joseph D. Mazzei, also of Pittsburgh, for 12 years an FBI undercover man until he was produced as a witness in 1953 in the Pittsburgh Smith Act trial. In 1956 the Solicitor General of the United States himself set forth the record of Mazzei's perjuries and unsavory past in an unusual petition to the U. S. Supreme Court for a remand to test his reliability. There was the evidence which turned up in the California Smith Act pleadings of the way in which informers are recruited. The witness, Saunders, screened out of the Coast Guard as a Communist in 1948, was reinstated when he went to the FBI and offered to inform in 1951. The witness, Honig, at first refused to talk

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Comic Item the Post Sleuths Missed: On the Dangers of Reading J. Edgar Hoover

"The second case in this group [where loyalty boards did succeed in making the anonymous informants testify] was based almost exclusively on the testimony of two fellow employes, who, as it turned out, had misinterpreted scraps of telephone and other conversations that they had overheard. The hearing was postponed until both accusers could be present. It then developed that the employee had been active in his local civic association and had decided to take some courses in public speaking to help him in his organizational work. In connection with these activities he did a great deal of telephoning from the agency.

"When he began his course, he discovered that the professor had selected communism as the topic around which the class exercises would center, chiefly because he thought it would be easy for the students to find current material on this subject. During the course the employee had clipped material on communism from the papers and had assembled on his desk relevant books from the department library. The material he gathered contained some of J. Edgar Hoover's strongest anti-Communist speeches and statements. The *fellow employees had noticed the subject matter of the collection, had understood him to say something on the telephone about 'the communism we teach', and had jumped* to the conclusion that he was teaching communism to children in night school.

"This comedy of errors was completely cleared up through the testimony of all the witnesses at the hearing, including the informants. One of them repudiated the signed statement he had given to the FBI and denied that the employee had said, as reported, 'I prefer the Communist form of government to that which we now have.'"

—Bontecou: The Federal Loyalty Security Program, P. 130.

This volume is one of the Cornell Studies in Civil Liberties edited by Robert E. Cushman under a Rockefeller Foundation grant. This victim was one of the lucky few. The incident shows (1) what injustice can occur when informants are kept anonymous as the FBI insists they should be and (2) what sloppy jobs FBI men can do. They are so ready to believe any anti-Red scuttlebutt that they can swallow without a gulp so improbable a tale as a government worker using his office to prepare for "teaching communism to children in night school."—IFS

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to the FBI, but later changed his mind after being arrested on a shoplifting charge which he claimed was mistaken. The charge was dropped. The FBI is the only government agency which regularly employes as informers exactly the type of character regarded as a "security risk" by the rest of the government.

Informer Casualties at The SACB

It would have been enlightening if the *Post* had summarized for its readers what has been happening to some of the FBI's most famous informers in the prolonged proceedings to force the Communist Party to register with the Subversive Activities Control Board under the Internal Security Act. This case is now in its ninth year, largely because each time it comes up to the Circuit Court from the SACB, the testimony of more informers is stricken by the Court as unreliable. The score-card when the Court ruled on this case for the third time last August stands like this: The testimony of three informers—Manning Johnson, Paul Crouch and Harvey Matusow—have been stricken from the record entirely. The testimony of four others, Scarletto, Cummings, Honig and Mrs. Markward, have been stricken in part. The case has now gone back to test the reliability of the Budenz testimony. Wherever these informers have had to come out into the open and face cross-examination in a court of law they have fared badly. Yet Mr. Hoover is still waging a battle in Congress to keep such people immune from confrontation in loyalty-security, industrial employment and passport cases.

The most intriguing story of all lies in the sequel to Mr. Hoover's most famous informer, Elizabeth Bentley. It had been thought that resort to the Fifth amendment saved those she named. As a result there was a prolonged fight in Congress which resulted in the passage of the Compulsory Testimony (Immunity) Act and this was finally upheld by the Supreme Court in 1956. Thereupon the government brought William Ludwig Ullmann, the man who was supposed to have photographed secret documents for her, before a grand jury in New York. He was compelled to testify, and was examined for six days between May 23 and May 31, 1956. He not only denied espionage but also denied having been a Communist. The immunity law does not confer immunity from prosecution for perjury. Three and a half years have passed without further action. If Miss Bentley told the truth, Mr. Ullmann is a perjurer. If he is not a perjurer, then she is—but I may say more of this next week when I come to the most important area of all which the *Post* left untouched, and that is the close cooperation between the FBI and our Congressional and State witch hunts.

The FBI and the Poplarville Lynching

In discussing the Poplarville, Miss., lynching, the Post series reflects the line handed out by the FBI to Negro leaders (but not Southern Congressmen) that J. Edgar Hoover was 'rarin to prosecute. It is hard to believe that Mr. Hoover did not have the power to force a prosecution if he wanted one. It is harder to believe that the man who consistently treats Negro rights agitation as evidence of Communist plotting would have welcomed a frontal encounter with his Southern friends.

The Post series also reports another fallacy fostered by the Dept. of Justice. It says there were two possible bases for Federal action, one under the kidnapping statute and the other under the Civil Rights Law but that "After an intensive month-long FBI investigation, the Justice Dept. announced the Bureau had no jurisdiction." This is not true. The FBI press release said the decision to withdraw was "based upon a ruling that the persons responsible for the death [note how delicately the word lynching was avoided—IFS] of Parker had not violated the Federal Kidnapping statute, and no other successful Federal prosecution could be maintained."

Parker's return from a safe jail in Jackson on the eve of the lynching and the ease with which the lynchers got the key to the jail point to connivance by local officials, a clear violation of civil rights. The press release says it was decided that "no other successful Federal prosecution could be maintained," i.e. under the Civil Rights Law.

This is a matter of opinion. Southern white juries have sometimes convicted in such cases. Even an unsuccessful Federal prosecution may be a deterrent. We are sorry the Post's investigators did not look more closely.

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